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TRANSMITTAL SLIP		DATE
TO: Registry		
ROOM NO.	BUILDING	
REMARKS: <i>These have been seen by way of routing sheet.</i>		
FROM:		
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 TO AMEMBASSY NAIROBI PRIORITY 7785  
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 CONFIDENTIAL STATE 084105

E.O. 12356:DECL OADR  
 TAGS: SHUM, PREL, KE  
 SUBJECT: IMPRISONED WRITER, MAINA WA KINYATTI

REF: (A) NAIROBI 1888, (B) STATE 12011, (C) NAIROBI 767,  
 (D) STATE 373346

1. (C - ENTIRE TEXT).
2. SENATOR LUGAR HAS QUERIED DEPARTMENT REGARDING KINYATTI STATUS BASED ON REPORTS THE IMPRISONED WRITER IS SUFFERING ILL TREATMENT AND HIS EYE CONDITION IS NOT BEING CARED FOR.
3. IN ADDITION, WE CONTINUE TO RECEIVE INQUIRIES FROM PROFESSIONAL ASSOCIATIONS AND PRIVATE CITIZENS REGARDING KINYATTI STATUS.
4. ASSUME YOU HAVE RECEIVED NO RESPONSE TO DIP NOTE REF A.
5. PLEASE CONTINUE TO PRESS ISSUE AT SUFFICIENTLY HIGH LEVEL TO ENSURE RESPONSIVE REPLY. POINT OUT TO GOK THAT ITS SILENCE ON KINYATTI'S STATUS LEADS KINYATTI'S SUPPORTS TO ASSUME THE WORST.
6. WOULD APPRECIATE PROMPT RESPONSE FOR CONGRESSIONAL AND OTHER INQUIRIES. SHULTZ  
 END OF MESSAGE

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E.O. 12356: N/A  
TAGS: CSCE  
SUBJECT: CONGRESSIONAL HEARING ON BERN CSCE MEETING  
- ON HUMAN CONTACTS

1. SUMMARY. MICHAEL NOVAK, HEAD OF U.S. DELEGATION TO THE BERN CSCE HUMAN CONTACTS EXPERTS MEETING, APPEARED MARCH 18 BEFORE THE CONGRESSIONAL CSCE COMMISSION. NOVAK AND COMMISSIONERS DISCUSSED THE BROAD OUTLINES OF U.S. APPROACH TO BERN, IMPRESSIONS FROM NOVAK'S MARCH 14 CONSULTATIONS IN MOSCOW AND QUESTIONS CONCERNING NGOS. END SUMMARY.
2. COMMISSION CHAIRMAN D'AMATO AND CO-CHAIRMAN HOYER PRESIDED AT A MARCH 18 HEARING DEVOTED TO THE APRIL/MA BERN HUMAN CONTACTS EXPERTS MEETING (HCEM). SENATORS DECONCINI AND HUMPHREY AND CONGRESSMAN RITTER ALSO ATTENDED. USDEL/HCEM NOVAK WAS THE SOLE WITNESS. THE WIRELESS FILE CONTAINS THE PREPARED STATEMENT HE DELIVERED.
3. HOYER OPENED THE HEARING BY CHARACTERIZING BERN AS THE SOVIETS' LAST CHANCE TO DEMONSTRATE WILLINGNESS TO LIVE UP TO COMMITMENTS ON THE HUMANITARIAN SIDE OF CSCE. HE EXPRESSED CONCERN ABOUT "BALANCE" WITHIN THE CSCE PROC SS, POSSIBLE PRESSURES FROM ALLIES TO SIGN AN EMPTY AGREEMENT AT BERN, AND INDICATIONS THAT THE STATE DEPARTMENT WAS NOT GIVING CSCE ITS DUE AS PART OF AN OVERALL HUMAN RIGHTS POLICY. HE NOTED BERN'S CRUCIAL IMPORTANCE TO THE NGO COMMUNITY. RITTER WELCOMED NOVAK'S APPOINTMENT TO HEAD USDEL AND ARGUED THAT THE BEST WAY TO MAINTAIN CREDIBILITY FOR CSCE WITH THE PUBLIC AND TO EMPHASIZE THE IMPORTANCE WE ATTACH TO THE ROLE OF INDIVIDUALS WAS TO APPOINT NGO REPRESENTATIVES AS PUBLIC MEMBERS TO THE U.S. DELEGATION. (FYI. NOVAK'S TESTIMONY STATED THE DEPARTMENT'S INTENTION TO IDENTIFY ONE APPROPRIATE REPRESENTATIVE OF THE NGO COMMUNITY TO SERVE AS AN ADVISER ON THE DELEGATION. END FYI.)

4. RESPONDING TO HOYER'S INQUIRY ABOUT HOW USDEL WOULD BALANCE QUIET DIPLOMACY WITH THE NEED TO CITE SPECIFIC PROBLEMS AND NAMES, NOVAK SAID HE HAD FRANKLY TOLD HIS SOVIET INTERLOCUTORS IN MOSCOW THAT HE WOULD SPEAK FORTHRIGHTLY, IN A LOW-KEY, CONSTRUCTIVE WAY, WITH AN EYE ON RESULTS. HOYER ASKED FOR VIEWS ON A FINAL DOCUMENT. NOVAK STATED THE POSITION THAT THE U.S. DOES NOT NEED A DOCUMENT BUT WOULD BE WILLING TO CONSIDER ONE IF IT MARKED

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AN ADVANCE OVER EXISTING LANGUAGE. THE SOVIETS, HE SAID,  
WERE NOT VERY INTERESTED IN ONE.

5. D'AMATO QUESTIONED THE VIGOR AND DETERMINATION WITH WHICH THE STATE DEPARTMENT WAS PRESSING HUMAN RIGHTS CONCERNS. HE RETURNED TO THE THEME SUBSEQUENTLY, PARAPHRASING TESTIMONY BY PRIVATE SECTOR WITNESSES AT PREVIOUS COMMISSION HEARINGS CALLING FOR STRICT LINKAGE BETWEEN THE SOVIETS' HUMAN RIGHTS PERFORMANCE AND AGREEMENTS WITH THEM IN OTHER FIELDS. NOVAK SAID HE EMPHASIZED IN MOSCOW THE IMPORTANCE OF BUILDING CONFIDENCE BETWEEN STATES BY THE HUMANE TREATMENT THEIR PEOPLE. HE SAID HE REJECTED SOVIET LOGIC THAT PEOPLE SHOULD BE USED AS THE MEANS RATHER THAN THE ENDS OF POLICY AND EMPHASIZED THE CRUCIAL IMPORTANCE OF HUMANITARIAN ISSUES TO THE U.S. PUBLIC. ITS MANY ROOTS IN EASTERN AND CENTRAL EUROPE AND THE SOVIET UNION MADE CONDITIONS THERE A FAMILY CONCERN FOR AMERICANS. TO D'AMATO'S QUESTION OF HOW WE CAN MAKE THE SOVIETS UNDERSTAND THIS WITHOUT STRICT LINKAGE, NOVAK NOTED THE DUTY OF THE STATE DEPARTMENT TO MOVE FORWARD WITH THE SOVIETS ON ALL FRONTS. AT THE SAME TIME, AS AN OUTSIDER RECRUITED FOR THE JOB AT BERN, HE WAS IN A POSITION TO GIVE HIS SOVIET COUNTERPARTS FULL EXPOSURE TO PRIVATE AMERICAN CONCERNS.

6. RITTER TERMED "RESTRICTIVE" THE DEPARTMENT'S POSITION ON NGO REPRESENTATION ON THE DELEGATION AND ASKED THAT THE CASE OF SOVIET SAILOR MEDVED BE RAISED AT BERN. IN RESPONSE, NOVAK EMPHASIZED THE PRIORITY USDEL WILL GIVE TO LIAISON WITH NGOS WHO COME TO BERN AND THEIR IMPORTANCE IN SENDING SIGNALS TO THE SOVIETS. HE ALSO NOTED THE NEED TO ILLUSTRATE PRINCIPLES WITH APPLICABLE CASES AND THE IMPORTANCE OF NGO ACTIVITIES IN THIS REGARD. SHULTZ  
END OF MESSAGE

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 6157  
INFO RUESMG/AMEMBASSY MANAGUA 0088  
ZEN/AMCONSUL BRISBANE POUCH  
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E.O. 12356: DADR  
TAGS: PREL, XK, AS  
SUBJECT: DEMARCHE ON NICARAGUA

REF: CANBERRA 2471

1. CONFIDENTIAL - ENTIRE TEXT.
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  2. SUBSEQUENT TO SENDING REFTEL, ADCM HAD OPPORTUNITY TO RAISE OUR CONCERNS OVER HIS NICARAGUA STATEMENT DIRECTLY WITH SENATOR EVANS. EVANS SAID HE UNDERSTOOD OUR POINTS, AND HAD HIMSELF QUESTIONED THE TEXT HE RECEIVED FROM DFA BUT HAD GONE AHEAD WITH IT ESSENTIALLY ON THE BASIS OF DFA'S RECOMMENDATION. HE APPRECIATED OUR TAKING IT UP WITH HIM. ALSO, ACTING POLCOUNS REITERATED OUR CONCERN WITH THE ACTING HEAD OF THE INTERNATIONAL DIVISION OF THE DEPARTMENT OF PRIME MINISTER AND CABINET, WHO INDICATED SIMILAR UNDERSTANDING FOR OUR POSITION.
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  3. WE BELIEVE THAT THESE TWO FOLLOW-UP CONVERSATIONS AND THE LAPSE OF TIME OBLIVIATE THE NEED FOR A FURTHER FORMAL APPROACH AT DFA AS SUGGESTED REFTEL. LANE
- END OF MESSAGE

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